

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America

v.

MARIO FRANCISCO PEREZ

Case No.

20mj6491-PMH

4:20mj1934

United States Courts
Southern District of Texas
FILED

October 08, 2020

David J. Bradley, Clerk of Court

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 24, 2020 in the county of Broward in the
Southern District of Florida, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 2261A

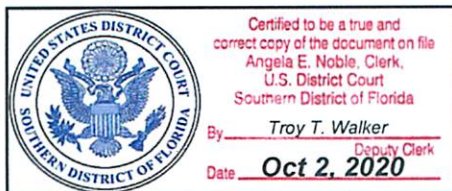
Stalking

18 U.S.C. § 875(c)

Threatening Communications

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Complainant's signature

Carlos Morales, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone (specify reliable electronic means)Date: 10/2/2020

Judge's signature

City and state: Fort Lauderdale, Florida

Hon. Patrick M. Hunt

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Carlos Morales, being duly sworn, do hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), United States Department of Justice, currently assigned to the Joint Terrorism Task Force of the FBI Miami Field Division. I have been a Special Agent with the FBI since January of 2011. Among my duties as a Special Agent, I am responsible for the investigation of a variety of violations of federal laws related directly to threats to life and stalking.

2. In the past, I have conducted federal investigations involving illicit drug trafficking, the illegal importation of controlled substances into the United States, violent crimes, money laundering, racketeering and organized crime, illegal gang activities, illegal possession of firearms, political corruption, bribery, murder, kidnapping, international terrorism, and the mailing of threatening communications. I have also received extensive training as a Crisis Negotiator and a Behavioral Analysis Unit Coordinator for FBI Miami. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code.

3. I am familiar with the facts and circumstances set forth in this affidavit as a result of my participation in the investigation and my experience, training, and background as a Special Agent with the FBI. The information contained within this affidavit is based upon my personal knowledge, as well as information and documentation that I obtained from other law enforcement officers and civilian witnesses who have first-hand knowledge of the events described herein.

4. Because I submit this affidavit for the limited purpose of establishing probable cause, it does not contain all of the information known to me concerning this investigation, but contains only the facts necessary to establish probable cause for a criminal complaint.

5. This Affidavit is made in support of a criminal complaint for the arrest of Mario F. Perez ("PEREZ"), who acted with the intent to kill, injure, harass, intimidate, or place under surveillance with the intent to kill, injure, harass, or intimidate another person, used the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of death of or serious bodily injury or causes, attempts to cause, or would be reasonably expected to cause substantial emotion distress to a person, in violation of Title 18, United States Code, Section 2261A; and who, transmitted in interstate or foreign commerce communications containing threats to injure the person of another, in violation of Title 18, United States Code, Section 875(c).

PROBABLE CAUSE

6. In July of 2019, B.B. (hereinafter the "victim")¹, a young woman residing in Davie, Florida, began dating J.M., a young singer and public figure from Weston, Florida. Once their relationship became official, the victim posted a photograph of herself and J.M. on her Instagram (hereinafter "IG" or "Instagram") social media profile. After posting the photograph, the victim began receiving continuous online threats and harassment. On June 24, 2020, after the threats increased in severity and seriousness, the victim's mother, E.H., notified law enforcement officers. Subsequently, FBI agents initiated an investigation into the threats. The threats against the victim are still ongoing as of the date of this affidavit.

¹ To protect the victim and her family's privacy, her identity and the identity of witnesses have been redacted throughout this Affidavit.

IDENTIFICATION OF THE TARGET TELEPHONE DEVICE USED TO CYBER STALK/TRANSMIT THREATENING COMMUNICATIONS TO THE VICTIM

7. Early in the investigative process, FBI agents determined that an unidentified subject, later identified as Mario F. PEREZ, created multiple fake social media accounts on different social media applications to continuously cyber stalk, harass, attack the character of, and threaten bodily harm and/or death to the victim online.

8. FBI agents obtained subscriber information and IP addresses associated to a significant number of the fake IG accounts used to threaten the victim. Upon receiving the subscriber information, the investigation revealed that PEREZ utilized the same cell phone number ending in 6200 ("the target telephone") to create each fake IG account.

9. Subpoena results showed that an individual later determined to be related to PEREZ, F.H.P., owns the Sprint account, which includes the target telephone number ending in 6200. Subpoena results also showed that an individual, O.A., held a Comcast account ending in 7866. FBI agents discovered on September 18, 2020 that O.A. is PEREZ's biological mother.

10. Database checks with the Texas Department of Motor Vehicles revealed that that F.H.P. and O.A. were married or related, and that PEREZ resided with one of them. Database checks revealed the property addresses and vehicles registered to F.H.P. were also associated to O.A.

11. After identifying the Sprint account used by PEREZ, on August 2, 2020, your affiant conducted research to determine if there was an active WhatsApp account for the target telephone device. FBI agents identified an active WhatsApp account, which had a profile picture. The person identified in the profile picture is PEREZ. Further research revealed that PEREZ posted the same photograph on one of the known IG accounts that he operates, *@viewsfrommario* or *@visualsbymario*.

12. FBI agents discovered that PEREZ's Texas Driver's License bears the same address as F.H.P. This address is also the same as the address registered to F.H.P's Sprint account.

13. On September 2, 2020, FBI agents interviewed the victim and J.M. J.M. revealed that PEREZ is a long-time fan of J.M. J.M. explained that he occasionally hosts virtual meetings for fans of his music. Virtual "Meet and Greets" provide an opportunity for fans to personally interact with J.M. To sign up for the virtual "Meet and Greets" fans have to provide their names and phone numbers.

14. On August 27, 2020, PEREZ registered to attend a virtual "Meet and Greet" with J.M. on Zoom, a video conferencing application. When PEREZ registered for the event on Eventbrite.com, he provided the target telephone number ending in 6200.

15. Law enforcement officers believe PEREZ used the target telephone device to threaten, harass, and stalk the victim.

16. Law enforcement witnessed PEREZ entering a residence located at 22207 Covered Gate Court, Spring, Texas 77373. This is the same address registered with the Comcast account owned by O.A. At the time of the surveillance, PEREZ was driving a white Hyundai Elantra bearing Texas license plate number LJR6097, the same vehicle registered with Texas Department of Motor Vehicles to O.A.

17. PEREZ, who created the fake social media accounts, took extensive measures to conceal his identity when creating the fake profiles by omitting subscriber information such as valid email addresses and phone numbers that could be traced by law enforcement. FBI agents identified at least fifteen (15) possible fake social media profiles on IG and Tik Tok² used to target

² Tik Tok is a video social media application.

the victim. To date, FBI agents confirmed that PEREZ operates four (4) IG accounts titled as follows:

1. @[B.B.]horse³
2. @[B.B.]theracist,
3. @[B.B.]kluxklan,
4. @[B.B.]supports_trump, and

18. Based on the manner and means which the threats originated, FBI agents also believe that PEREZ operated ten (10) other IG accounts titled as follows:

1. @[B.B.]yeast_infection_
2. @[B.B.]yeast_infection,
3. @[B.B.]s-yeast_infection,
4. @[B.B.]_thee_racist,
5. @[B.B.]_supports_trump,
6. @[B.B.]lovestrump,
7. @pooowowww1,
8. @pooowowww2
9. @pooowow7, and
10. @pooowow5.

19. FBI agents also believe that PEREZ utilized Tik Tok accounts to communicate threats to the victim:

1. @millertary_hates_[B.B].
2. @[B.B.]forn_trump2020,

³ Where "B.B." appears in an Instagram handle, PEREZ used the victim's name.

3. *@caillinnicol*,
4. *@[B.B.]yeastinfection*, and
5. *@[B.B.]i4trump*.

20. PEREZ used three primary means to threaten and harass the victim: creation of derogatory fake profiles, threatening direct messages, and threatening comments. All three means attacked the character of the victim and indicated that PEREZ had the intent and means to locate her to inflict bodily harm and/or death upon her. The victim and her significant other, J.M., found it particularly disturbing that PEREZ identified the addresses where B.B. and her parents resided. This caused substantial emotional distress for both her and her family.

21. During the investigation, FBI Miami agents determined that the online threats began while the victim resided in Davie, Florida within the Southern District of Florida's jurisdiction. In July of 2020, the victim and J.M. relocated to the city of Los Angeles, California.

CYBER STALKING AND THREATENING COMMUNICATIONS VIA INSTAGRAM⁴

22. On July 2, 2020, FBI agents interviewed the victim and J.M. at the FBI Miami Field Office. The victim stated that beginning in July of 2019, she began receiving online threats of death or bodily harm from various different social media accounts. Following the interview, FBI agents contacted the victim's mother, E.H. E.H. personally recorded a chronology of the threats against the victim beginning in April of 2020.

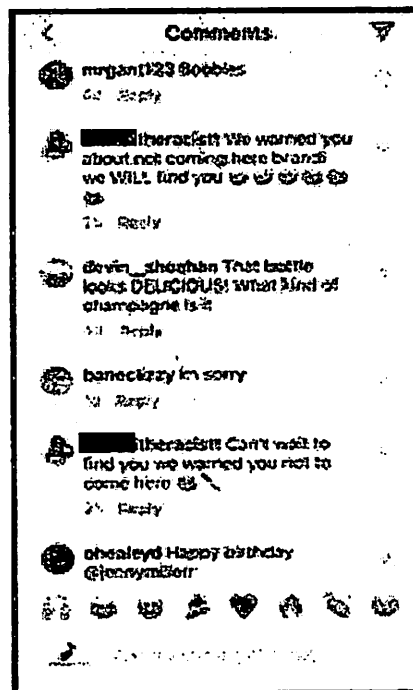
23. According to the victim, PEREZ's comments increased in severity when she posted on IG that she traveled to Los Angeles, California with J.M., and would travel to California again

⁴ These threats only include those verified by law enforcement as those made by PEREZ. These do not include numerous other threats that law enforcement officers also have reason to believe that PEREZ made.

with J.M. in the near future.⁵ PEREZ was aware that J.M. previously resided in Los Angeles for a few years prior to entering his relationship with the victim, and that the victim had traveled to Los Angeles with J.M.

24. In June of 2020, B.B. and J.M. traveled to Los Angeles, California on a personal trip. B.B. posted a photo of herself and J.M. on her Instagram account. One of PEREZ's Instagram accounts, *@[B.B.]theracis*, posted the following threatening comments on the victim's Instagram account:

- a. "...[B.B.] we WILL find you[,]" and
- b. "Can't wait to find you we warned you not to come here".

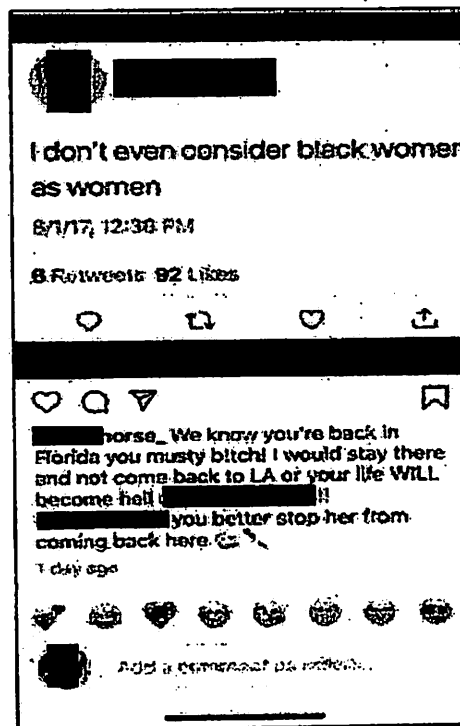


⁵ During the investigation, FBI Miami agents determined that the online threats began while the victim resided in Davie, Florida within the Southern District of Florida's jurisdiction. In July of 2020, the victim and J.M. relocated to the city of Los Angeles, California.

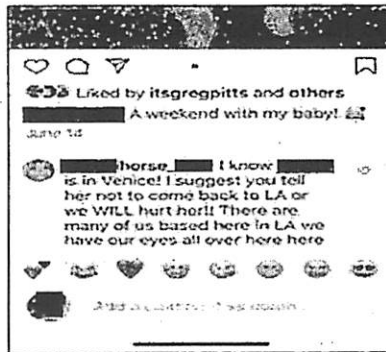
To the victim, the nature of the comments posted directly implied PEREZ was continuing to track her location and general travel plans online.

25. After leaving Los Angeles, the victim returned home to Florida. Subsequently, on July 2 and July 3, 2020, the victim received threats indicating that PEREZ was aware that she returned to Florida based on the information she posted on her Instagram profile. PEREZ posted an image purporting to be B.B., including her name and her photo, which states, "I don't even consider black women as women". PEREZ then used Instagram account @[B.B.]horse_ to threaten the victim and her mother. PEREZ stated:

- a. "We know you're back in Florida you musty bitch! I would stay there and not come back to LA or your life WILL become hell @[B.B.]!! @[E.H.] you better stop her from coming back here[.]"



- b. "[E.H.] I know [B.B.] is in Venice! I suggest you tell her to not come back to LA or we WILL hurt her!! There are many of us based here in LA we have our eyes all over here [.]"



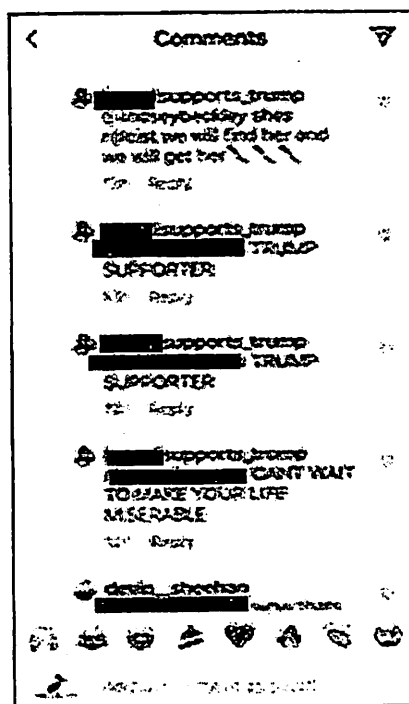
26. On July 5, 2020, FBI Miami agents believe that PEREZ used an IG account that he created titled *@[B.B.]yeast.infection_* to threaten the victim and her mother by stating that he would come to E.H.'s home address.

- a. "Were coming for E.H. now *@[B.B.]* we know exactly where she lives 8** L. A. Venice, FL".

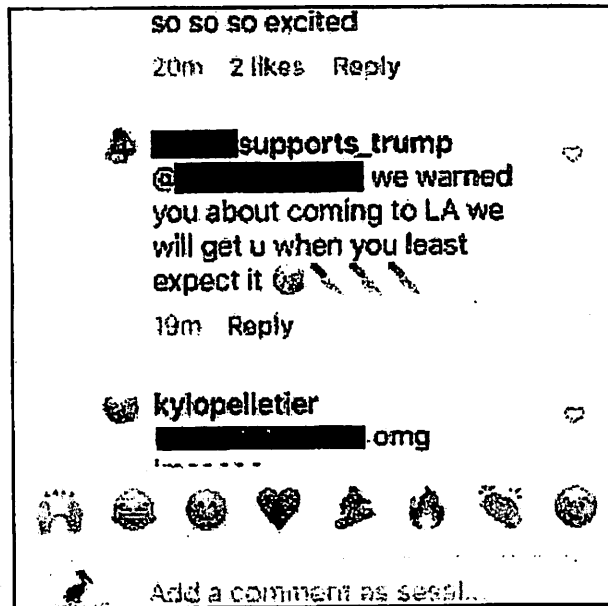


27. Due to publicly viewable posts the victim and J.M. made on Instagram during the month of July 2020, PEREZ became aware that the victim would likely travel to Los Angeles, California with J.M. at the end of the month. As a result, on July 27, 2020, PEREZ threatened B.B. using Instagram account @[B.B.]supports_trump. PEREZ stated:

- a. "...shes r@cist we will find her and we will get her"...."TRUMP SUPPORTER"... "CANT WAIT TO MAKE YOUR LIFE MISERABLE".

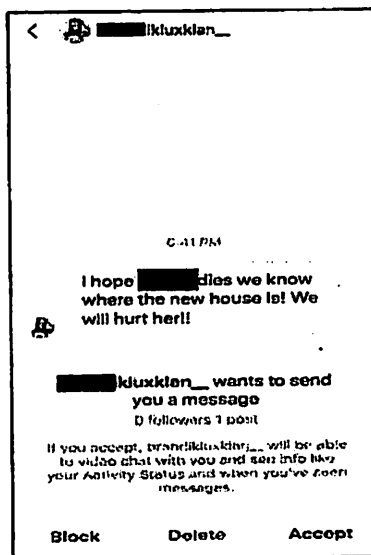


- b. "@[B.B.] we warned you about coming to LA we will get u when you least expect it".



28. On July 31, 2020, after the victim and J.M. relocated to Los Angeles, California, from South Florida, PEREZ used an IG account titled @[B.B.]kukxklan_ to send a private message to E.H., the victim's mother. PEREZ stated:

- a. "I hope [B.B.] dies we know where the new house is! We will hurt her!!



29. PEREZ also commented on J.M.'s profile that he knew the victim's location and he intended to harm her, stating:

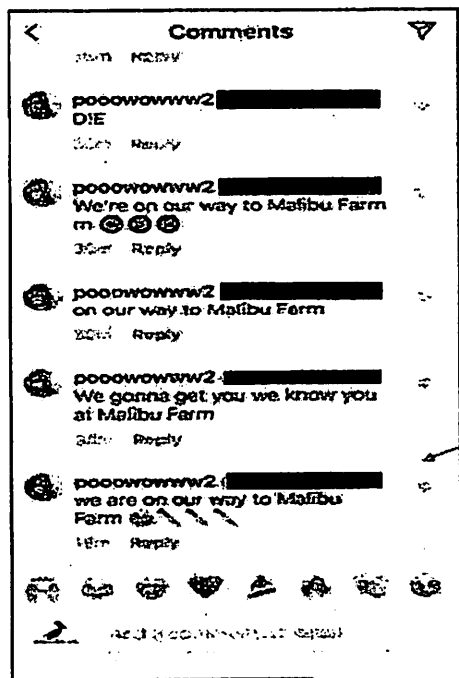
- a. "@[B.B.] WE KNOW WHERE YOU LIVE NOW WE WILL GET YOU WHEN YOU LEAST EXPECT IT".



30. On August 11, 2020, the victim notified the FBI agents that she received threats roughly every five (5) minutes on her personal IG. The victim went to a restaurant in Malibu, California called Malibu Farm and posted photos to her Instagram account that she dined at the restaurant. Law enforcement officers believe that PEREZ is familiar with the restaurant. PEREZ used IG account @pooowowww2 to threaten that he was traveling to the restaurant to kill her. PEREZ stated:

- a. "@[B.B.] D!E".
- b. "@[B.B.] We're on our way to Malibu Farm r[ight] n[ow]".
- c. "@[B.B.] on our way to Malibu Farm".

- d. “[B.B.] we gonna get you we know you are at Malibu Farm”.
- e. “[B.B.] we are on our way to Malibu Farm”.



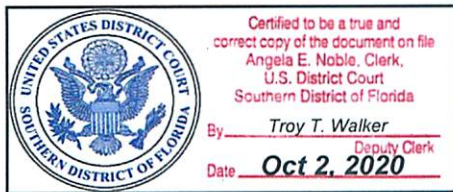
31. These threats caused substantial emotional distress for both the victim her family. The threats made by PEREZ demonstrate a desire to inflict death or bodily harm on the victim. These threats also establish a means by which to carry out these threats, specifically by tracking the victim's movements online and traveling to the victim's location.

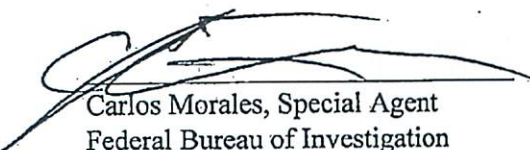
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CONCLUSION

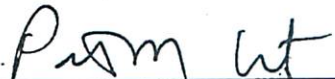
32. Based on the above information, I respectfully submit that there is probable cause to believe that Mario F. PEREZ, from on or about June 25, 2020, to September 2020, from Houston, Texas, in the Southern District of Texas, and possibly elsewhere, did act with the intent to kill, injure, harass, intimidate, or place under surveillance with the intent to kill, injure, harass, or intimidate another person, used the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that places that person in reasonable fear of death of or serious bodily injury or causes, attempts to cause, or would be reasonably expected to cause substantial emotion distress to a person, in violation of Title 18, United States Code, Section 2261A; and transmitted in interstate or foreign commerce communications containing threats to injure the person of another in violation of Title 18, United States Code, Section 875(c).

FURTHER AFFIANT SAYETH NAUGHT.




Carlos Morales, Special Agent
Federal Bureau of Investigation

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim. P. 4.1 by telephone this 29 day of October, 2020.


PATRICK M. HUNT
UNITED STATES MAGISTRATE JUDGE

AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
Southern District of FloridaUnited States of America
v.
MARIO FRANCISCO PEREZ,Case No. 20mj6491-PMHDefendant

ARREST WARRANT

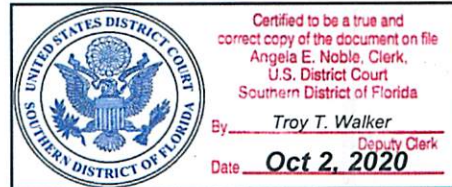
To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) MARIO FRANCISCO PEREZ,
who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 2261A Stalking; and
18 U.S.C. § 875(c) Threatening Communications.

Date: 10/2/2020

Patrick M. Hunt
Issuing officer's signature

City and state: Miami, Florida

Hon. Patrick M. Hunt
Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title